

when he deems such action to be appropriate, and may substitute in lieu thereof, other reasonable means of identification.

§ 70a.6 Disclosure of requested information to individuals.

(a) *Period within which action on request shall be taken.* (1)(i) As soon as possible, and within a period not to exceed 30 working days after receipt of a request made in accordance with §§ 70a.4 and 70a.5 of this part, the officer responsible for acting on the request shall determine that such request is to be granted or denied in whole or in part, and shall thereupon immediately notify the requester of his or her determination and, in the case of a denial, the reasons therefor. The provisions of paragraphs (a) (2) and (3) of this section are applicable when a final determination to grant or deny the request cannot be made within the 30-day period.

(2)(i) When, because of unusual circumstances it appears that a determination may not be feasible within the 30-day period, the disclosure officer shall submit in writing to the Solicitor a request for an extension of time. The request for extension shall set forth the reasons why the disclosure officer believes it is not possible to make a determination within the 30-day period. The Solicitor shall determine within 5 working days after receipt of such request whether to grant the extension. *Unusual circumstances* shall include circumstances where a search for a collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultation with other agencies having a substantial interest in the determination of the request is necessary.

(ii) When the Solicitor agrees that an extension is necessary because of unusual circumstances and grants an extension of time, the officer responsible for acting on the request shall notify the requester in writing within the 30-day period of the extension, the reasons therefor, and the date on which the determination to grant or deny the

request is expected to be dispatched. No extension is to exceed 10 working days.

(iii) If the disclosure officer is unable to make a determination with respect to all or part of a request within the 30-day period specified in paragraph (a)(1)(i) of this section, or such extended period as may be permitted, because some or all of the records have not been located or made available for examination and consideration in time to make an informed determination, the officer may, within such period, respond to the request by denying the request as to those records which are not available, with notification to the requester of the reasons therefor, and of the right to appeal the denial pursuant to § 70a.9 of this part. However, the disclosure officer shall make a determination at that time as to those records or portions of records which are available. In such an event, the officer shall advise the requester that the search or examination will be continued and that the denial will be subject to withdrawal, modification, or confirmation by a supplementary determination to be made as soon as processing of the request can be completed. If an appeal is filed from the initial denial, the Solicitor shall act thereon as provided in § 70a.9 of this part.

(b) *Procedure for disclosure of information.* (1) When a determination has been made to grant a request, the requested information shall be made available to the individual within the time period prescribed in paragraph (a) of this section. The record shall be made available to the individual in the manner requested, that is, either by forwarding a copy of the information to him or her, or by making it available for review, unless: (i) It is impracticable to provide the requester with a copy of a record, in which case the requester shall be so notified, and, in addition, be informed of the procedures set forth in paragraph (b)(2) of this section, or (ii) the responsible official has reason to believe that the cost of a copy of a record is considerably more expensive than anticipated by the requester, in which case he or she shall notify the requester of the estimated cost, and ascertain whether the requester still

wishes to be provided with a copy of the information.

(2) Where a record is to be reviewed by the requester in person, the disclosure officer shall inform the requester in writing of: (i) The date on which the record will become available for review, the location at which it may be reviewed, and the hours for inspection; (ii) the type of identification that will be required in order for him or her to review the record; (iii) such person's right to have a person of his or her own choosing accompany him or her to review the record; and (iv) such person's right to have a person other than himself or herself review the record.

(3) The record shall be made available for review for as long as the disclosure officer deems appropriate, but in no event for less than 30 days.

(4) Inspection of original records shall be made in the presence of the disclosure officer or such officer's designee.

(c) *Denial of request.* Where it has been determined to deny a request in whole or in part, the individual shall be notified in writing of such a determination. Such notification shall specify the reasons therefor, the name and title or position of the person(s) responsible for the denial, and shall advise the requester of the procedure for appealing such an adverse determination to the Solicitor of Labor.

(d) *Medical records.* When an individual requests medical records concerning himself, which are not otherwise exempt from disclosure, the disclosure officer shall, if deemed necessary, because of possible harm to the individual, advise the individual that records will be provided only to a physician designated in writing by the individual. Upon receipt of the designation, the disclosure officer will permit the physician to review the records or to receive copies of the records by mail, upon proper verification of identity. The determination of which records should be made available directly to the individual and which records should not be disclosed because of possible harm to the individual shall be made by the physician.

(e) *Computerized records.* Where information is stored within one of the Department's computer systems, and it

can only be retrieved by creating a new computer program, or modifying an existing program in a manner in which it would not otherwise be modified, thus producing a record not currently in existence, the record is not required to be furnished under the Act.

(f) *Alternative method for transmitting information.* Whenever a record containing personal information about an individual is to be mailed in response to a request under this part, and the information is of such a nature that the disclosure officer has reasonable grounds for believing that the unauthorized dissemination of such information may be of significant harm to the subject of the record, then such a record shall be sent "Certified Mail, Return Receipt Requested."

§ 70a.7 Request for correction or amendment to a record.

An individual, without regard to his or her age, may request the correction or amendment of any record pertaining to him or her, which is contained within a system of records subject to the requirements set forth in this part, by mailing or delivering a written request in conformity with the requirements set forth in §§ 70a.4 and 70a.5 of this part. In addition, the request must state the information in the record which the requester believes to be unnecessary, inaccurate, irrelevant, untimely, or incomplete, the nature of the amendment desired, and a concise statement of the reasons therefor. All available supporting documents and materials which substantiate the requester's position should be included with the request.

§ 70a.8 Agency review of request for correction or amendment to a record.

(a) Upon receipt of a request to correct or amend a record, which is contained within a system of records subject to the requirements set forth in this part, a determination whether to grant the request shall be made by the proper authority charged with the responsibility of acting upon such requests within the time limits prescribed in § 70a.6 of this part.

(b) Where it is determined that the request shall be granted in whole or in